

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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605 FIFTH PROPERTY OWNER, LLC,	:	
	:	
Plaintiff,	:	23cv136 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
ABASIC, S.A.,	:	
	:	
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

On June 6, 2023, this Court issued a Memorandum Opinion and Order holding Abasic, S.A. liable under its agreement with 605 Fifth Property Owner, LLC (the "Guarantee") guaranteeing a commercial lease. 605 Fifth Prop. Owner, LLC v. Abasic, S.A., 23cv136 (DLC), 2023 WL 3849105 (S.D.N.Y. June 6, 2023). On June 26, the plaintiff moved for attorneys' fees, as provided by the Guarantee. The defendant has not opposed the plaintiff's request.

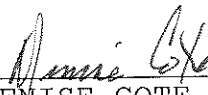
As this Court found in a prior action involving the same ongoing breach of the Guarantee, the Guarantee provides that the prevailing party in an action to enforce the Guarantee or the underlying lease is entitled to reasonable attorneys' fees and expenses, except to the extent those fees were incurred in the process of obtaining attorneys' fees. 605 Fifth Prop. Owner,

LLC v. Abasic, S.A., 21cv811 (DLC), 2022 WL 1239578, at \*2-4 (S.D.N.Y. Apr. 27, 2022). The plaintiff has submitted billing records covering \$23,135.70 in attorneys' fees incurred in this action and other actions to enforce the Guarantee and the underlying lease. These expenses are generally reasonable, and the plaintiff is entitled to recover them under the Guarantee. The invoices submitted in connection with the plaintiff's motion, however, include \$1,213.60 in fees incurred preparing the motion for attorneys' fees in this case. As explained in a prior Opinion in a related action, these fees are not properly included in the award. 605 Fifth Prop. Owner, LLC, 2022 WL 1239578, at \*4. Accordingly, it is hereby

ORDERED that the plaintiff's June 26, 2023 application for an award of attorneys' fees and costs is largely granted. The plaintiff is awarded \$21,922.10 in attorneys' fees.

IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment for the plaintiff and close this case.

Dated: New York, New York  
July 19, 2023

  
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DENISE COTE  
United States District Judge